

STATE DRIVING BUSINESSES LICENSURE BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 5/17/2017

BOARD MEMBERS PRESENT: Robert M Fenn - Chair
Jason Jerome
Sally K Phillips
Theresa A Bradford

BOARD MEMBERS ABSENT: Lon A Pyper Sr

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Dicsie Gullick, Management Assistant

The meeting was called to order at 9:30 AM MDT by Robert M Fenn.

APPROVAL OF MINUTES

Ms. Phillips made a motion to approve the minutes of November 8, 2017. It was seconded by Ms. Bradford. Motion carried.

LEGISLATIVE REPORT

Mr. Toryanski gave the legislative report. The deadline to submit legislative ideas to the Governor's Office for the 2017 legislative session is July 14, 2017. The deadline to submit proposed legislation and rules to the Governor's Office is August 18, 2017.

He said that the changes the Board submitted to the 2017 Legislature were all passed.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$45,517.86 as of April 30, 2017.

Ms. Hall presented three fee decrease proposals for the Board's consideration.

Ms. Phillips made a motion to accept the 50% reduction fee decrease proposal to be submitted to the Governor's Office for review and to the office of Administrative Rules following approval by the Governor's Office. It was seconded by Ms. Bradford. Motion carried.

The Board discussed the preparation for the Board's 2019 budget and the possibility of conducting business audits.

Ms. Phillips volunteered to work with Bureau staff to develop an itemized list for future business license audits and percentages for those audits. The list will come back to the Board for approval.

Mr. Toryanski presented the rule change draft for the fee decrease to the Board.

Mr. Jerome made a motion to approve the draft for submission to the Division of Financial Management in preparation for presentation to the 2018 Legislature and to authorize mailing of a notification postcard to licensees regarding the proposed rule change upon publication. It was seconded by Ms. Bradford. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Phillips made a motion to approve the Bureau's recommendation and authorize closure in case I-DRB-2017-1. It was seconded by Ms. Bradford. Motion carried.

Ms. Phillips made a motion to approve the Bureau's recommendation and authorize closure in case I-DRB-2017-2. It was seconded by Ms. Bradford. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list and the items "Classifications-inspection form A, B, C Board Inspection form" and "Begin auditing new businesses after they have been operating for one year and 5% of existing businesses each year". The Board directed the Bureau to work with Ms. Phillips on the business audit process. This will be discussed at the next meeting.

FOLLOW UP ON RESPONSE TO REQUEST FOR CONTINUING EDUCATION INFORMATION

The Board reviewed the CE course content information from two driving businesses that provide annual CE.

The Board requested further clarification on the course content for one of the programs.

Ms. Phillips made a motion to direct Bureau staff to request this for review at the next Board meeting and to request that both of the driving businesses provide this information annually to maintain their approved program status. It was seconded by Ms. Bradford. Motion carried.

DISCUSSION ON AT HOME OR VIRTUAL DRIVING BUSINESS

The Board discussed concerns regarding on-line courses complying with State Licensure Rule 225.07 and 225.08.

Ms. Phillips made a motion to revise its prior motion in I-DRB-2017-2 and to authorize closure with an advisory letter emphasizing the requirement of at least 30 hours of live classroom or on-line instruction. It was seconded by Ms. Bradford. Motion carried.

Ms. Bradford made a motion that Bureau staff work with the Board Chair to reword the license renewal application clarifying this requirement for all renewing business licenses. It was seconded by Ms. Phillips. Motion carried.

APPRENTICESHIP WITH SEPARATE TRAINING

The Board Chair requested an addition to the To-Do list to look at revising hour requirements for apprenticeship training programs.

NEW BUSINESS

NEXT MEETING

Face-to-face Board meeting dates were set for:

September 29, 2017 at 9:30 AM
January 26, 2017 at 9:30 AM
May 18, 2017 at 9:30 AM

Conference call meetings will be set between these as needed.

CORRESPONDENCE

The Board reviewed a letter from Mike Arnell, requesting reimbursement from the Board for legislative lobbying efforts for SB 1133.

Ms. Phillips made a motion directing Bureau staff to compose a response letter to be signed by the Board Chair, that the Board has no legal authority to pay or reimburse anyone for lobbying activities. It was seconded by Ms. Bradford. Motion carried.

Ms. Phillips made a motion directing Bureau staff to respond to an inquiry about how many hours of classroom education must be complete before behind-the-wheel instruction can begin from a licensee. Ms. Phillips said to respond that the licensure rules don't address the issue of what portion of classroom training must be completed before the driving portion begins. Ms. Bradford seconded it. Motion carried.

Ms. Bradford made a motion to decline the request from Highway Safety Services, LLC to provide statements for their webpage on how the National Highway Traffic Safety Administration Technical Assessment benefitted our state. It was seconded by Ms. Phillips. Motion carried.

The Board reviewed instructor training materials provided by Association of National Stakeholders in Traffic Safety Education.

IMPLEMENTATION OF LAWS & RULES

The Board reviewed a draft of a new driving business application incorporating the recent legislative changes.

Ms. Phillips made a motion to approve the new form with noted modifications and allow a Board member to review it for final approval. It was seconded by Ms. Bradford. Motion carried.

The Board reviewed a draft of its web page and Frequently Asked Questions.

Ms. Bradford made a motion to approve the new format with noted modifications. It was seconded by Ms. Phillips. Motion carried.

The Board reviewed the new Medical Examination Report Form submitted by Bureau staff to replace the existing format included with instructor and apprentice applications.

Ms. Bradford made a motion for Bureau staff to obtain permission from the Department of Education and, if granted, begin using the form. It was seconded by Ms. Phillips. Motion carried.

Ms. Bradford made a motion to approve and mail the postcard draft prepared by Bureau staff to notify licensees of the law and rule changes passed by the 2017 legislature. It was seconded by Ms. Phillips. Motion carried.

EXECUTIVE SESSION

Mr. Jerome made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Bradford. The vote was: Ms. Bradford, aye; Mr. Fenn, aye; Mr. Jerome, aye; and Ms. Phillips, aye. Motion carried.

Mr. Jerome made a motion to come out of executive session. It was seconded by Ms. Bradford. The vote was: Ms. Bradford, aye; Mr. Fenn, aye; Mr. Jerome, aye; and Ms. Phillips, aye. Motion carried.

APPLICATIONS

Ms. Phillips made a motion to notify a licensee of several options listed by the Board in response to her inquiry of how to fulfill the CE requirements to renew her license and deny her request to obtain CE credit using a ride-along with law enforcement. It was seconded by Mr. Jerome. Motion carried.

Approved / Pending

901104714 was approved pending receipt of the additional information. It was seconded by Ms. Bradford. Motion carried.

Mr. Jerome made a motion to table the application from applicant # 901151874 pending results from the background check. Mr. Fenn recused himself from discussion and voting. It was seconded by Ms. Bradford. Motion carried.

Mr. Jerome made a motion to table the application for an apprenticeship training program, pending receipt and of their proposed curriculum. It was seconded by Ms. Phillips. Motion carried.

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CE FOR REINSTATEMENT

Ms. Bradford made a motion to approve all submissions of CE for reinstatement. It was seconded by Ms. Phillips. Motion carried.

ELECTIONS

Ms. Bradford made a motion to re-elect Robert Fenn to serve as Board Chair. It was seconded by Ms. Phillips. Motion carried.

ADJOURNMENT

Ms. Phillips made a motion to adjourn the meeting at 1:01 PM. It was seconded by Ms. Bradford. Motion carried.

Robert M Fenn, Chair

Jason Jerome

Lon A Pyper Sr

Sally K Phillips

Theresa A Bradford

Tana Cory, Bureau Chief